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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,433	07/29/2003	Michael J. Connor	4191-00318	6029

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ANDRUS, SCEALES, STARKE & SAWALL, LLP  
100 EAST WISCONSIN AVENUE, SUITE 1100  
MILWAUKEE, WI 53202

EXAMINER
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CECIL, TERRY K

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/629,433

**Applicant(s)**

CONNOR ET AL.

**Examiner**

Mr. Terry K. Cecil

**Art Unit**

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

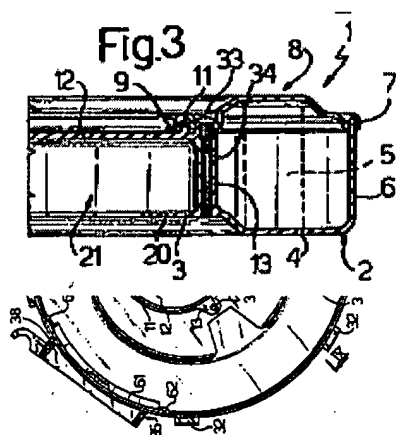
1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claims 16-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB



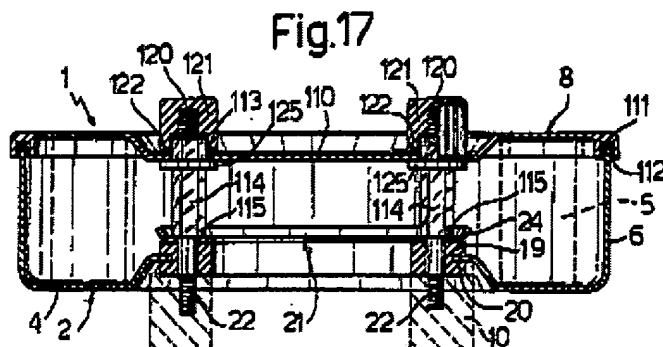
2,079,178 in view of Clausen et al. (U.S. 5,753,120). '178

teaches a filter comprising end caps (8, 2) and an axial flow opening 21 (the axis of filter 1 passes therethrough). An

annular filter 5 is positioned between the end caps and defines a hollow interior communicating with the opening. At least one

column 13 (four) extends through the hollow interior and between

the caps and are laterally spaced from the opening 21 (none of the columns circumscribe the opening) but are hollow for receiving posts (33 114) therethrough to supply a compressive force on the end caps [as in claims 1-2 and 13]. No liners are taught by '178 [as in claim 3] and 10 can be considered the base adjacent the second end cap 2, wherein the posts extend axially to the



first end cap 8, releasably mounted thereto for applying compression. An O-seal 19 is also provided sealing the end cap to the base (10).

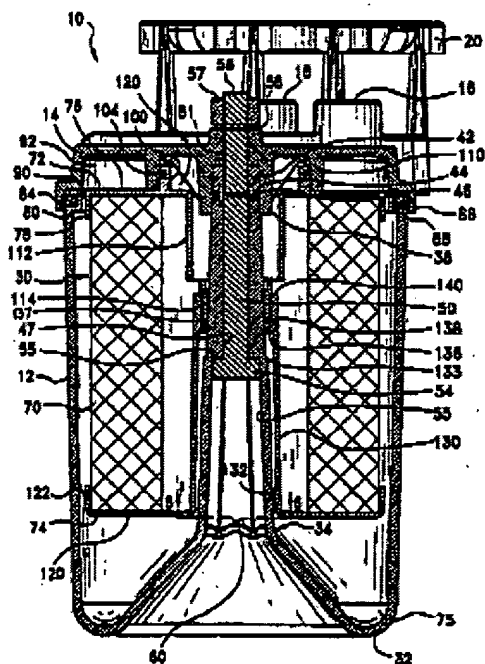


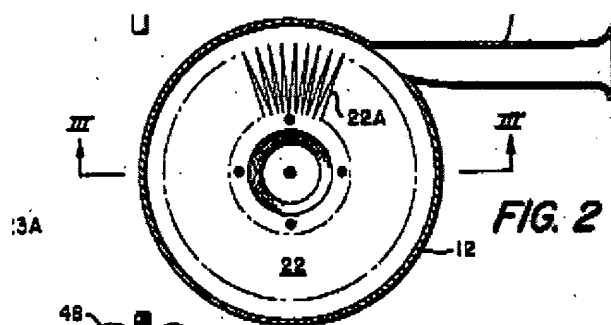
Fig. 3

'178 doesn't teach the telescopically-overlapping sleeves. However, Clausen teaches a bottom "end cap" 12 including an integrally formed sleeve telescopically received within a sleeve 38 integrally formed with the upper "end cap" 14 in sealing relation [as in claim 16] by a sealing bead including o-ring 46 and flange depending from and integral with the bottom sleeve [as in claim 19]. The upper sleeve includes a stop (42, 44) [as in claim 17]. It is considered that it would have been obvious to one

ordinarily skilled in the art at the time of the invention to have the sleeve configuration of Clausen for each of the columns 13 of '178, since Clausen teaches the benefits of being simple to design; easy to assemble; and provides ready and easy accessibility to a spent filter element (col., lines 45-50). Upon modification of the columns of '178 to be telescopically overlapping, the columns depending from each cap would necessarily be less than the axial height of the filter.

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3. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over '178, as modified above, in view of ordinary skill in the art or in view of Miskiewicz (U.S. 3,898,066). Claims 18 and 20 require the hollow interior of the filter element and the axial flow opening in the second end cap to be in axial alignment. Firstly, it is contended that such is within ordinary skill since the precise position of the opening in the end cap would be obvious depending upon the structure of the base upon which the filter is to be mounted. Secondly, such a configuration is known in the art of Miskiewicz.



It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the aperture 21 of the modified '178 to be axially aligned with the hollow space defined by the filter element 5 as in Miskiewicz in order to be compatible with the uses thereof.

***Response to Arguments***

4. Applicant's arguments, filed 7-10-2006, with respect to the claims have been fully considered but are not persuasive. The examiner contends that upon modification of the columns of '178 to be telescopically overlapping as in Clausen, the columns depending from each cap would necessarily be less than the axial height of the filter. For claim 19, Clausen teach an o-ring between the sleeves of a column for sealing thereof.

***Conclusion***

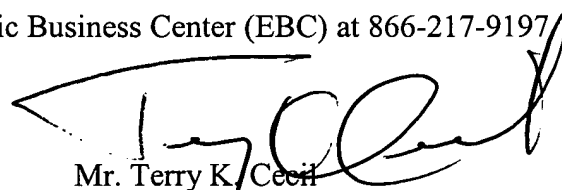
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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5. Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (571) 272-1138 at the Carlisle campus in Alexandria, Virginia for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:30a to 4:30p, on at least four days during the week M-F.
- Wanda Walker, the examiner's supervisor, can be reached at (571) 272-1151 if attempts to reach the examiner are unsuccessful.
- The Fax number for this art unit for official faxes is (571) 273-8300.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mr. Terry K. Cecil  
Primary Examiner  
Art Unit 1723

TKC  
September 2, 2006